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Attorney for Defendant
JUAN CARLOS MARTINEZ CASTRO

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 2:19-cr-233 DAD-1
)	
Plaintiff,)	REQUEST FOR RULE 43 WAIVER OF
)	APPEARANCE ORDER
vs.)	
)	
JUAN CARLOS MARTINEZ)	
CASTRO, ET AL,)	
)	
Defendant.)	
)	

Pursuant to Rule 43 of the Federal Rules of Criminal Procedure, defendant, JUAN CARLOS MARTINEZ CASTRO, hereby waives the right to be present in person in open court upon the hearing of any motion or other proceeding in this case, including, but not limited to, when the case is set for trial, when a continuance is ordered, and when any other action is taken by the court before or after trial, specifically, appearances for any hearing regarding imposition of judgment and sentencing or modification of conditions of supervised release.

Defendant hereby requests the Court to proceed during every absence which the Court may permit to this waiver; agrees that defendant's interests will be deemed represented at all times by the presence of the defendant's attorney, the same as if the defendant were personally present; and further agrees to be present in court ready for trial any day and hour the Court may fix the defendant's absence.

1 The defendant further acknowledges being informed of the rights under Title 18 U.S.C.
2 §§ 3161-3174 (Speedy Trial Act), and authorizes the defendant's attorney to set times and dates
3 under that Act without the defendant's personal presence.

4 The original signed copy of this waiver is being preserved by the attorney undersigned.

5
6 Dated: May 26, 2023

7 /s/ Juan Carlos Martinez Castro
8 JUAN CARLOS MARTINEZ CASTRO

9 Dated: May 26, 2023

10 /s/ Hannah Labaree
11 HANNAH R. LABAREE
12 Assistant Federal Defender
13 Attorney for Defendant

14 **ORDER**

15 The court is reluctantly signing this order and is doing so only because defense counsel
16 may have already advised her client before the holiday weekend that his upcoming appearance
17 was not necessary. One of the reasons the court declined to approve of the parties' latest
18 stipulations for a further continuance of the hearing was that defendant Martinez Castro has not
19 appeared before a judicial officer in this case for over three months when it was scheduled for a
20 change of plea hearing. Therefore, defendant's appearance is waived for purposes of the May
21 30, 2023 status conference hearing only.

22 IT IS SO ORDERED.

23 Dated: May 26, 2023

24 Dale A. Dwyer
25 UNITED STATES DISTRICT JUDGE
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